

IN THE CIRCUIT COURT OF YAZOO COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

V.

CAUSE NO. 20-2341

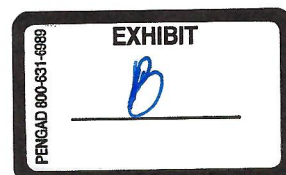
PHILIP TURNER

DEFENDANT

ORDER GRANTING DEFENDANT'S MOTION FOR RECUSAL OF DISTRICT
ATTORNEY

THIS CAUSE this day came on for hearing on the motion of the Defendant asking the Court to Recuse the District Attorney from the prosecution thereof, and the Court finds as follows:

1. That the Defendant, Philip Turner, has been indicted for Accessory After the Fact during the January 2020 grand jury term.
2. That Akillie Malone Oliver currently serves as the District Attorney for Yazoo County, Mississippi.
3. That the Defendant previously served as principal and assistant principal for Yazoo County High School where District Attorney Oliver's son, C.M., also attended school. That evidence showed that there were occasions in which the Defendant disciplined Oliver's son and at least one occasion where the Defendant touched Oliver's son around the neck causing blood to be drawn. As a result of each of the encounters between the Defendant and Oliver's son, Oliver verbally expressed her displeasure with the outcome and requested rescissions of her son's disciplinary actions from the Defendant, Superintendent and/or the local school board.
4. That the Court acknowledges that the State just as judges must uphold the sanctity of the judicial system and remain vigilant about situations that would cause the public to



believe that the State and/or the District Attorney on behalf of the State cannot be faire in prosecuting Defendants brought before the Court.

5. That based on the evidence presented regarding the interaction between the State and the Defendant, the appearance of impropriety exists and it can easily be judged that the Defendant may not receive a fair and impartial trial under the circumstances.

6. That according to Miss. Code Ann. § 25-31-21, there are three situations in which a district attorney *pro tempore* shall be appointed: the district attorney is absent, the district attorney is unable to perform his duties, or the district attorney is disqualified. In this case, the Court finds that the District Attorney is disqualified and unable to serve based on her interactions with the Defendant which exhibits an appearance of impropriety, in that the Public may not have confidence in the judicial process affecting the Defendant's right to a fair trial.

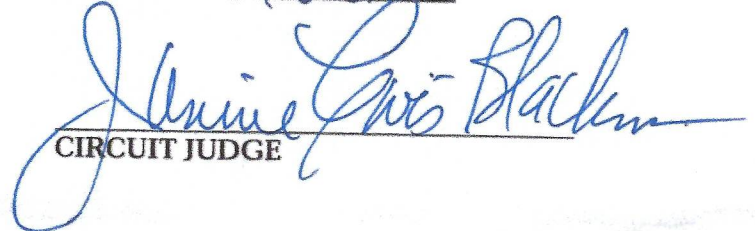
7. That this disqualification of the District Attorney extends to the entire District Attorneys Office for the 21st Judicial District.

8. That a special prosecutor shall be appointed to handle this matter from henceforth. Upon the appointment thereof, the District Attorney shall have no involvement, directly or indirectly, with the prosecution of this case and shall refrain from communicating with the special prosecutor and his/her staff regarding this case.

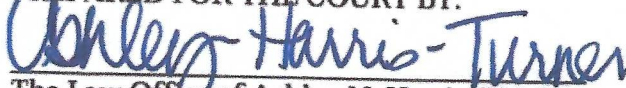
IT IS THEREFORE ORDERED AND ADJUDGED, that the Defendant's motion is well-taken and hereby granted. That District Attorney Akillie Malone Oliver, inclusive of the 21st Judicial District Attorney's Office, is hereby recused from the prosecution of Philip Turner in this case.

IT IS FURTHER ORDERED that a special prosecutor shall be appointed by this Court, and District Attorney Oliver and her office shall not have any involvement, directly or indirectly, with the ongoing prosecution of this case.

SO ORDERED AND ADJUDGED, this the 16 day of March, 2020.


CIRCUIT JUDGE

PREPARED FOR THE COURT BY:



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